

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA McGRIER, ESQUIRE
IDENTIFICATION NO. 49294
47 NORTH 60TH ST., FIRST FLOOR
PHILADELPHIA, PA 19139
215-471-7170

ATTORNEY FOR PLAINTIFF

EMANUEL A. COKER
2293 Bryn Mawr Ave.
Phila., PA 19131,
Plaintiff

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Civil Action

Vs.

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No.02-4686

GHANA AIRWAYS
950 3rd Ave., 9th FL
New York, NY 10022,
Defendant.

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MOTION FOR DEFAULT JUDGMENT

Plaintiff, Emanuel A. Coker, by his attorney, Linda McGrier, Esquire, moves for an Order Granting Default Judgment against Defendant, Ghana Airways, on the grounds that Defendant has failed to answer, appear or otherwise defend, and the time to otherwise move or plead has expired and has not been extended in this action.

This motion is made pursuant to District Court Rules of Civil Procedure, Rule 55(b)(2), and is based upon the following:

1. On July 15, 2002, Plaintiff filed his complaint against the Defendant Ghana Airways.
2. Defendant Ghana Airways is an airline duly organized and existing under the laws of the State of New York.
3. On October 15, 2002, Plaintiff properly served the complaint upon Defendant Ghana Airways. See proof of service attached as Exhibit A.
4. On November 4, 2002, the time expired for defendant to file an answer to the complaint.

5. As of the date of the filing of this Motion for Default Judgment, no answer, Motion to Dismiss or Motion for Summary Judgment has been

filed on behalf of Defendant.

WHEREFORE, Plaintiff, Emanuel A. Coker, respectfully requests the Clerk of Court to enter a default judgment for want of answer or other defense against the Defendant Ghana Airways in the amount of \$150,000.00 and such other relief as the Court may deem proper under the circumstances.

BY: _____
LINDA McGRIER, ESQUIRE
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA McGRIER, ESQUIRE
IDENTIFICATION NO. 49294
47 NORTH 60TH ST., FIRST FLOOR
PHILADELPHIA, PA 19139
215-471-7171

ATTORNEY FOR PLAINTIFF

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AFFIDAVIT FOR JUDGMENT BY DEFAULT

LINDA McGRIER, ESQUIRE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am the attorney for the plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Eastern District of Pennsylvania, in support of plaintiff's application for the entry of a default judgment against defendant.
3. This is an action to recover compensatory damages in the amount of \$146,870.24 owed by to defendant to plaintiff for intentional infliction of emotional distress and liquidated damages in the amount of \$1,000.00 paid to defendant in advance for transportation from Ghana to Guinea,

\$250.00 paid to Intertropic Airlines for transportation from Ghana to Sierra Leone, \$20.00 for a visa, \$1,300.00 for expenses for three (3) days and nights in Ghana, \$400.00 for long distance telephone calls from Ghana to the United States and for long distance telephone calls from Ghana to Sierra Leone which required a United States connection, \$9.76 for service via United States Mail, Return Receipt Requested, \$150.00 for filing the Complaint.

4. Jurisdiction of the subject matter of this action is based on diversity.
5. The action was commenced on July 15, 2002 by the filing of the summons and complaint. A copy of the summons and complaint were served upon the defendant on October 15, 2002 by Certified U.S. Mail Return Receipt Requested. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

BY: _____
LINDA McGRIER, ESQUIRE
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA McGRIER, ESQUIRE
IDENTIFICATION NO. 49294
47 NORTH 60TH ST., FIRST FLOOR
PHILADELPHIA, PA 19139
215-471-7172

ATTORNEY FOR PLAINTIFF

EMANUEL A. COKER
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Phila., PA 19131,
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Civil Action

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STATEMENT OF DAMAGES

Principal amount sued for	\$ 147,030.00
Clerk's fee	150.00
Service fee	9.76

Total	\$ 147,189.76
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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PHILADELPHIA, PA 19139
215-471-7173

ATTORNEY FOR PLAINTIFF

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Civil Action

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CLERK'S CERTIFICATE

I, MICHAEL E. KUNTZ, Clerk of the United States District Court for the Eastern District of Pennsylvania, do hereby certify that this action commenced on July 15, 2002 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant by serving Ghana Airways by U.S. Mail, Return Receipt Requested, and proof of such service thereof was filed.

I further certify that the docket indicate that the defendant has not filed an answer

or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: Philadelphia, PA

MICHAEL E. KUNTZ
Clerk of the Court

By: _____

Deputy Clerk
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA McGRIER, ESQUIRE
IDENTIFICATION NO. 49294
47 NORTH 60TH ST., FIRST FLOOR
PHILADELPHIA, PA 19139
215-471-7174

ATTORNEY FOR PLAINTIFF

EMANUEL A. COKER
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Phila., PA 19131,
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Civil Action

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No.02-4686

GHANA AIRWAYS
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New York, NY 10022,
Defendant.

DEFAULT JUDGMENT

This action having been commenced on July 15, 2002 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the defendant, Ghana Airways, on October 15, 2002 by U.S. Mail, Return Receipt Requested and proof of service having been filed and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the liquidated amount of \$2,970.00, plus costs and disbursements of this action in the amount of \$159.76, plus damages for intentional infliction of emotional distress in the amount of \$146,870.24, amounting in all to \$150,000.00.

Dated: _____

U.S.D.J.

This document was entered on the

docket

On _____.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA McGRIER, ESQUIRE
IDENTIFICATION NO. 49294
47 NORTH 60TH ST., FIRST FLOOR
PHILADELPHIA, PA 19139
215-471-7175

ATTORNEY FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I, hereby certify that service of the foregoing Complaint was made upon Ghana Airways certified mailing, first class, postage prepaid, a true copy to Ghana Airways 950 3rd Avenue, 9th Floor, New York, NY 10022 on October 15, 2002.

BY:

LINDA McGRIER, ESQUIRE
Attorney for Plaintiff

47 N. 60th Street

1st Floor
Philadelphia, PA 19139